

February 7, 2005

Final striker 2

rb

Sponsor: Carolyn Edmonds, Jane Hague

Proposed No.: 2004-0519

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2004-0519, VERSION**

2 **1**

3 On page 1, beginning on line 9, strike everything through page 9, line 115, and insert:

4 SECTION 1. Sections 2 and 3 of this ordinance shall expire after December 31,
5 2014.

6 SECTION 2. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are
7 each hereby amended to read as follows:

8 **Classifications of land use decision processes.**

9 A. Land use permit decisions are classified into four types, based on who makes
10 the decision, whether public notice is required, whether a public hearing is required before
11 a decision is made and whether administrative appeals are provided. The types of land use
12 decisions are listed in subsection E₂ of this section.

13 1. Type 1 decisions are made by the director, or his or her designee, ("director")
14 of the department of development and environmental services ("department"). Type 1
15 decisions are non appealable administrative decisions.

16 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
17 decisions that are subject to administrative appeal.

18 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
19 following an open record hearing. Type 3 decisions may be appealed to the county council,
20 based on the record established by the hearing examiner.

21 4. Type 4 decisions are quasi-judicial decisions made by the council based on the
22 record established by the hearing examiner.

23 B. Except as provided in K.C.C. 20.44.120A.7 and 25.32.080 or unless otherwise
24 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit
25 applications that would require more than one type of land use decision process may be
26 processed and decided together, including any administrative appeals, using the highest-
27 numbered land use decision type applicable to the project application.

28 C. Certain development proposals are subject to additional procedural requirements
29 beyond the standard procedures established in this chapter.

30 D. Land use permits that are categorically exempt from review under SEPA do not
31 require a threshold determination (determination of nonsignificance (())["DNS"()]) or
32 determination of significance (())["DS"()]). For all other projects, the SEPA review
33 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

34 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, (()) a site
--------	--	--

		development permit for the entire site circumstances or a temporary use permit for a homeless encampment.
TYPE 2 ¹	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use; shoreline substantial development permit ² ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070_B; preliminary determinations under K.C.C. 20.20.030_B; sensitive areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 ^{1, 3}	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

¹ See K.C.C. 20.44.120_C for provisions governing procedural and substantive SEPA

appeals and appeals of Type 3 and 4 decisions to the council.

² When an application for a shoreline permit is combined with other permits requiring Type 3 or 4 land use decisions under K.C.C. 25.32.080, the examiner, not the director, makes the decision. A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

³ Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the

Comprehensive Plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

SECTION 3. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are each hereby amended to read as follows:

Temporary use permits – duration and frequency. Temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for no more than one hundred eighty days from the date of the first event;

B. Except as otherwise provided in this chapter, ~~((F))~~the temporary use shall not exceed a total of sixty days~~((, provided that))~~. ~~((t))~~This requirement applies only to the days that the event or events actually take place. For a winery in the A or RA zones, the temporary use shall not exceed a total of two events per month and all parking for the events must be accommodated on site;

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

D. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year, though a temporary use permit may be granted for multiple events during the approval period or in the case of homeless encampments, no more than once for every twenty-four month period.

SECTION 4. Section 5 of this ordinance shall expire after December 31, 2005.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 21A.32 a new section to read as follows:

**Temporary homeless encampments – pre-application community meeting,
application requirements, notice of application , and approval standards.** A homeless

encampment shall be subject to the following standards:

A. Prior to submitting an application for a homeless encampment, the applicant and any agency sponsoring the homeless encampment shall:

1. Convene a community meeting in which the proposal is presented by the applicant and which shall be attended by at least one employee of the department of development and environmental services, assigned by the director.

2. Provide notice of the community meeting, including the date and location of the meeting, at least two weeks in advance of the community meeting as follows:

a. the notice shall be mailed to the department and to the unincorporated area council serving the area in which the site is located, provided that in the absence of an unincorporated area council the notice is provided to any homeowner association with jurisdiction on property within five hundred feet; and

b. the notice shall be mailed or hand-delivered to all property owners within five hundred feet or at least twenty of the nearest property owners, whichever is greater.

3. The notice at a minimum shall contain the following information:

a. name of the applicant and any agency sponsoring the homeless encampment and the name of the property owner if different;

b. a brief description of the proposal including the date the homeless encampment will begin and end, the proposed number of residents and site layout plans if known;

87 c. a contact name and telephone number to obtain additional information from the
88 applicant and of any agency sponsoring the homeless encampment and any organization involved
89 in the supervision of the homeless encampment; and

90 d. any other information deemed necessary by the department.

91 B. The application shall include:

92 1. A description of any changes to the conceptual information presented at the pre-
93 application community meeting;

94 2. A list of meeting attendees and of those receiving mailed notice;

95 3. A copy of the mailed notice for the community meeting;

96 4. Copies of any written material or recording of any verbal comments submitted at the
97 community meeting;

98 5. The applicant and the name of any agency that is sponsoring the homeless
99 encampment and that assumes responsibility for providing basic services and support to the
100 homeless encampment; and

101 6. If the applicant is not the owner of the site, a written agreement to use the property
102 must be submitted with the application.

103 C. The department shall provide notice of an application for a temporary permit to:

104 1. Property owners and any unincorporated area council or homeowner association that
105 were provided notice of the pre-application community meeting;

106 2. Persons listed as having attended the community meeting.

107 D. Approval of a homeless encampment shall not be granted less than thirty days from the
108 date of the notice for the pre-application community meeting and shall be subject to the following
109 standards:

- 110 1. The homeless encampment may be approved for up to ninety consecutive days, which
111 shall include the time for prior setup and subsequent dismantling of the encampment;
- 112 2. The total population of the homeless encampment shall be limited to ninety residents at
113 any one time;
- 114 3. The site must be within one half mile of a public transportation stop with service
115 available during the weekday and weekends or the applicant must demonstrate ability to obtain
116 access to public transportation such as through the provision of car or van services to provide
117 links to public transportation;
- 118 4 Except for the access road, the homeless encampment must provide a minimum of
119 twenty foot setback from the street and interior lot lines and include either:
- 120 a. established vegetation sufficient to obscure the view of the homeless encampment
121 from the lot line; or
- 122 b. a six foot high, view-obscuring fence; and
- 123 5. The department may impose additional conditions to assure compliance of the permit
124 with county policies, including those adopted by Proposed Motion 2004-0518, ordinances and
125 other applicable laws, regulations and court decisions.

126 SECTION 6. Section 7 of this ordinance shall be effective January1, 2006
127 through December 31, 2014.

128 NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 21A.32
129 a new section to read as follows:

130 **Temporary homeless encampments – pre-application community meeting,**
131 **application requirements, notice of application , and approval standards.** A homeless
132 encampment shall be subject to the following standards:

133 A. Prior to submitting an application for a homeless encampment, the applicant and any
134 agency sponsoring the homeless encampment shall:

135 1. Convene a community meeting in which the proposal is presented by the applicant and
136 which shall be attended by at least one employee of the department of development and
137 environmental services, assigned by the director.

138 2. Provide notice of the community meeting, including the date and location of the
139 meeting, at least two weeks in advance of the community meeting as follows:

140 a. the notice shall be mailed to the department and to the unincorporated area council
141 serving the area in which the site is located, provided that in the absence of an unincorporated area
142 council the notice is provided to any homeowner association with jurisdiction on property within
143 five hundred feet; and

144 b. the notice shall be mailed or hand-delivered to all property owners within five
145 hundred feet or at least twenty of the nearest property owners, whichever is greater.

146 3. The notice at a minimum shall contain the following information:

147 a. name of the applicant and any agency sponsoring the homeless encampment and the
148 name of the property owner if different;

149 b. a brief description of the proposal including the date the homeless encampment will
150 begin and end, the proposed number of residents and site layout plans if known;

151 c. a contact name and telephone number to obtain additional information from the
152 applicant and of any agency sponsoring the homeless encampment and any organization involved
153 in the supervision of the homeless encampment; and

154 d. any other information deemed necessary by the department.

155 B. The application shall include:

156 1. A description of any changes to the conceptual information presented at the pre-
157 application community meeting;

158 2. A list of meeting attendees and of those receiving mailed notice;

159 3. A copy of the mailed notice for the community meeting;

160 4. Copies of any written material or recording of any verbal comments submitted at the
161 community meeting;

162 5. The applicant and the name of any agency that is sponsoring the homeless
163 encampment and that assumes responsibility for providing basic services and support to the
164 homeless encampment; and

165 6. If the applicant is not the owner of the site, a written agreement to use the property
166 must be submitted with the application.

167 C. The department shall provide notice of an application for a temporary permit to:

168 1. Property owners and any unincorporated area council or homeowner association that
169 were provided notice of the pre-application community meeting;

170 2. Persons listed as having attended the community meeting.

171 D. Approval of a homeless encampment shall not be granted less than thirty days from the
172 date of the notice for the pre-application community meeting and shall be subject to the following
173 standards:

174 1. The homeless encampment may be approved for up to sixty consecutive days, which
175 shall include the time for prior setup and subsequent dismantling of the encampment. Approval for
176 up to ninety days may be provided for an applicant proposing multiple sites or provides a written
177 agreement with a landowner indicating intent to sponsor a future homeless encampment;

2. The total population of the homeless encampment shall be limited to seventy-five residents at any one time. Approval for up to ninety residents may be provided for an applicant proposing multiple sites or provides a written agreement with a landowner indicating intent to sponsor a future homeless encampment;

3. The site must be within one half mile of a public transportation stop with service available during the weekday and weekends or the applicant must demonstrate ability to obtain access to public transportation such as through the provision of car or van services to provide links to public transportation;

4 Except for the access road, the homeless encampment must provide a minimum of twenty foot setback from the street and interior lot lines and include either:

a. established vegetation sufficient to obscure the view of the homeless encampment from the lot line; or

b. a six foot high, view-obscuring fence; and

5. The department may impose additional conditions to assure compliance of the permit with county policies, including those adopted by Proposed Motion 2004-0518, ordinances and other applicable laws, regulations and court decisions.

SECTION 8. Section 9 shall be effective January 1, 2015.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 21A.32 a new section to read as follows:

Temporary homeless encampments – prohibited. A temporary homeless encampment is a prohibited use and shall not be approved through a temporary use permit.

SECTION 10. The Executive shall review the standards adopted by this ordinance and their effectiveness in addressing homeless encampment over the course of

the twelve months after their adoption. A report shall be provided to the council no later than fifteen months after the effective date of this ordinance, evaluating the effectiveness of the standards and shall transmit any further code revision necessary to improve their effectiveness in addressing homelessness.

EFFECT:

- Requires a minimum of 30 days between the date of the notice for the pre-application community meeting and approval of a permit.
- Does not allow location on same site within a 24 month period.
- Specifies that approval period includes setup and dismantling time.
- Increases distance from public transportation from ¼ mile to ½ mile.
- Provides an example to clarify how an applicant can “demonstrate ability to obtain access to public transportation”.
- Starting in 2006, limits stays to 60 days and residents to 75, unless part of multiple-site application or if there is an agreement for future use of another site.
- Includes specific references to policies adopted in Proposed Motion 2004-0518.
- Authorizes consideration of court decisions when establishing conditions of approval.
- Provides notice to affected homeowners associations, if any, when no UAC represents area.
- On January 1, 2015, sunsets several sections of the ordinance and prohibits homeless encampments in unincorporated King County.
- Adds provision to review these standards after the first 12 months.